

REMARKS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments, remarks and enclosures herein.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-17 are now pending in this application. Claims 1, 4 and 17 have been amended, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

No new matter has been added by these amendments. Support can be found throughout the specification.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103, or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. In addition, the amendments to the specification are made only for the purpose of inserting the appropriate sequence identifiers throughout the specification in accordance with the table provided in the specification at pages 26 and 27.

II. ENTRY OF THE SEQUENCE LISTING IS RESPECTFULLY REQUESTED

The amendments herein have inserted a corrected Sequence Listing in to the specification and a computer-readable copy of the Sequence Listing has additionally been provided herewith. It is respectfully submitted that the sequence listing submitted June 9, 2003 was incorrect, and has been appropriately remedied by the amendments and enclosures herein. The new Sequence Listing submitted herewith is not new matter as the sequences therein are present in the specification and were present in the Sequence Listing that accompanied the present application at the time of filing.

The Statements required by 37 C.F.R §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned hereby states that the enclosed sequence listing, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

Pursuant to 37 C.F.R. §1.821 (f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted herewith in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

Accordingly, it is respectfully requested that the Patent Office accept the enclosed sequence listing in both computer readable and paper form.

III. THE OBJECTIONS TO THE SPECIFICATION ARE OVERCOME

The Office Action objected to the specification due to the presence of embedded hyperlinks. It is respectfully asserted that the amendments herein have removed such text, rendering the objection moot.

The Office Action additionally objected to the specification due to the lack of sequence identifiers and the presence of an incorrect reference to SEQ ID NO: 6. It is respectfully asserted that the amendments herein have inserted the appropriate sequence identifiers into the text of the specification. Furthermore, as discussed above, accompanying this amendment is a corrected version of the sequence listing, such that the reference to SEQ ID NO: 6 on page 29 of the specification is now correct.

As the amendments herein have duly addressed all of the objections to the specification, reconsideration and withdrawal of the objections is respectfully requested.

IV. THE REJECTIONS UNDER 35 U.S.C. §112 ARE OVERCOME

Claims 1-8 and 17 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The rejection is respectfully traversed.

Specifically, the Office Action stated that the language “an amino acid sequence comprising RD1-ORF” was indefinite as the language allowed for any length of amino acids on either end of RD1-ORF. It is respectfully submitted that the amendments herein remove this language from claims 1 and 17, such that the claims are definite.

In addition, the Office Action also stated that the use of the term “derived” in claim 4 was indefinite. The amendments herein have removed this term, such that claim 4 should also now be considered definite.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, are respectfully requested.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, prior to issuance of any paper other than a Notice of Allowance, a further interview, is respectfully requested, with the Examiner and his supervisor, and, the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

In view of the amendments, remarks, and enclosures herein, the application is in condition for allowance. Favorable reconsideration of the application, and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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